

**“IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**LEONARD EUGENE BLACKWELL, JR., )**

)

)

Plaintiff,

)

Case No. 7:19CV00556

)

v.

)

**OPINION**

)

**LYNCHBURG POLICE DEPARTMENT, )**

)

By: James P. Jones

)

United States District Judge

Defendant.

)

*Leonard Eugene Blackwell, Jr., Pro Se Plaintiff.*

The plaintiff, Leonard Eugene Blackwell, Jr., a Virginia inmate proceeding pro se, has filed this civil rights action under 42 U.S.C. § 1983, alleging that unnamed officers of the Lynchburg Police Department (“LPD”) unlawfully arrested him, in violation of his constitutional rights. After Blackwell had consented to payment of the filing fee through installments withheld from his inmate trust account, but before ordering collection, the court conditionally filed his Complaint, advising him that it failed to state sufficient facts.

The Order stated, “Blackwell has not stated facts showing that the officers who arrested him did so pursuant to or because of LPD policy. As such, his complaint does not state any actionable claim against the LPD, which is the only defendant Blackwell has thus far identified.” Order 2, ECF No. 5. The Order

granted 21 days for Blackwell to file an amended complaint to correct this factual deficiency and make a complete statement of his claims, stating specific action that each defendant took in violation of his rights. Finally, the Order notified Blackwell, “FAILURE TO SUBMIT AN AMENDED COMPLAINT MAY RESULT IN DISMISSAL OF THE ACTION WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM.” *Id.* at 3.

The time permitted for Blackwell to submit an amended complaint has elapsed, and he has had no further communication with the court and has not submitted an amended complaint. Accordingly, Blackwell has not complied with the court’s Order. I will summarily dismiss this case accordingly. Because it is possible for Blackwell to cure the pleading’s deficiencies and go forward with his claims in a future, separate action, the dismissal will be without prejudice. *See, e.g., Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

A separate Final Order will be entered herewith.

DATED: November 18, 2019

/s/ James P. Jones  
United States District Judge